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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,531	01/23/2004	Tony Hulkkonen	59643.00361	5351
32294	7590	11/25/2005	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P.			DAGOSTA, STEPHEN M	
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8000 TOWERS CRESCENT			PAPER NUMBER	
TYSONS CORNER, VA 22182			2683	

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/762,531	Applicant(s) HULKKONEN ET AL.	
	Examiner Stephen M. D'Agosta	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A **timely filed terminal disclaimer** in compliance with 37 CFR 1.321(c) may be used to **overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application.** See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-45 provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-32 of copending Application No. 2004/0121755. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications deal with allowing a user to make an emergency call if/when they are in a situation where they would otherwise be denied from making non-emergency calls.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "**means**" and "said," **should be avoided**. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

→ The word "means" is used several times in the abstract. Please delete/replace

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-42 and 45 rejected under 35 U.S.C. 102(e) as being anticipated by Lindgren et al. US 6,775,534.

As per **claims 1, 18-20 and 35**, Lindgren teaches a method of supporting emergency calls a mobile communications network (abstract teaches a radio telecommunications system that allows a mobile to make an emergency call), the method comprising:

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- a. receiving a network access from a user equipment (C1, L15-20 teaches a "call request");
- b. selectively controlling access to the network in dependence on network access information (C1, L15-20 teaches "situations in which a call request may not be allowed"); and
- c. disabling the step selectively controlling access the network for an emergency call network access (C1, L40-45 teaches "allowing special treatment of emergency calls, so that such a call can be successful even though another voice call would not be allowed").

With further regard to claims 18-19, Lindgren shows in figures 1-4 the operational procedures that are performed in hardware and software (which reads on a computer program and code).

With further regard to claim 20, Lindgren shows various network element(s) required to support the operational procedures of his invention (see figures 1-4).

With further regard to claim 35, Lindgren teaches access and core networks (see figure 1) and steps a thru e as outlined above.

As per **claims 2 and 21**, Lindgren teaches claim 1/20 wherein said receiving step includes receiving the network access information that comprises network area access information (C2, L41-53 teaches the mobile phone contacting the cellular network, via PDP Context Request message, which will inherently provide impetus for the cellular network to determine the location/network area access information, in order to provide an RF bearer channel. Lindgren states that the PDP activation includes "requested bandwidth, delay and other quality of service parameters").

As per **claims 3 and 22**, Lindgren teaches claim 1/20 further including the step of determining said network access comprises an emergency call (C2, L54-59 teaches the activation message includes an indication that the call is an emergency call).

As per **claims 4, 23 and 37**, Lindgren teaches claim 3/22/35 wherein the step determining said network access an emergency call includes receiving an indication type call (C2, L54-59 teaches the activation message includes an "indication" that the call is an emergency call).

As per **claims 5 and 24**, Lindgren teaches claim 4/23 further including the step of receiving the indication of the type of network access from the user equipment or from the network (figure 1 shows the message flows from/to mobile in order for the emergency call setup to occur, which reads on the claim).

As per **claims 6 and 25**, Lindgren teaches claim 1/20, wherein said selectively controlling step includes selectively controlling the network which comprises an access network and a core network (figure 1 shows call setup control thru/via the RNC and SGSN/GGSN, which is interpreted as access/core networks).

As per **claims 7 and 26**, Lindgren teaches claim 6/25, wherein the steps of controlling and disabling the access to the network are performed in the access network (see figure 1).

As per **claims 8 and 27**, Lindgren teaches claim 6/24 further comprising determining if said network access is an emergency call in dependence on receipt of an indication of the type of network access from the core network (see figure 1 and C2, L54-59).

As per **claims 9 and 28**, Lindgren teaches claim 5/24 further comprising a step of activating the step disabling the step selectively controlling access to the network, wherein said activating step activates on receipt of indication of the type of network access being the emergency call (C1, L15-20 teaches "situations in which a call request may not be allowed" AND C1, L40-45 teaches "allowing special treatment of emergency calls, so that such a call can be successful even though another voice call would not be allowed").

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As per **claims 10 and 29**, Lindgren teaches claim 1/20 further comprising detecting network access initiation, and, responsive thereto, disabling the step selectively controlling access to the network (C1, L15-20 teaches "situations in which a call request may not be allowed" AND C1, L40-45 teaches "allowing special treatment of emergency calls, so that such a call can be successful even though another voice call would not be allowed").

As per **claims 11, 30 and 40**, Lindgren teaches claim 10/29/39 wherein said step includes disabling for a predetermined disabling time period (C1, L15-20 teaches "situations in which a call request may not be allowed", including having an unpaid bill which would have a predetermined disabling time until said bill is fully paid and then service is restored).

As per **claims 12, 31 and 39**, Lindgren teaches claim 10/28/38 further comprising a step detecting establishment a radio access bearer, and responsive thereto activating step disabling the step selectively controlling access the network for an emergency network access (C1, L15-20 teaches "situations in which a call request may not be allowed" AND C1, L40-45 teaches "allowing special treatment of emergency calls, so that such a call can be successful even though another voice call would not be allowed").

As per **claims 13 and 41**, Lindgren teaches claim 12/39, further comprising activating the step of disabling the step of selectively controlling access to the network only for the emergency call network access associated with that radio access bearer (C2, L8-59 teaches a mobile within a specified network which will control access to said mobile depending upon if an emergency call is made and thereby supported via a radio access bearer, see L41-59. Also see C3, L59-67 which discusses "setting up voice bearers" to carry emergency voice call).

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As per **claim 14**, Lindgren teaches claim 10, further comprising terminating said disabling step responsive to a control signal (C1, L15-23 and C2, L41-59).

As per **claims 15 and 31-32**, Lindgren teaches claim 6/28 further comprising the step receiving the network access information from the core network (see figure 1 and (C1, L15-23 and C2, L41-59).

As per **claims 16, 33, 36 and 42**, Lindgren teaches claim 1/20/35/35 further comprising the step of detecting termination of an emergency call, and, responsive thereto, the step of enabling the means for selectively controlling access to the network (C1, L15-23 and C2, L41-59 teaches selectively allowing access to a mobile user for emergency calls. Hence after an emergency call is made, the user will be denied access for normal phone calls that are not emergencies).

As per **claims 17, 34 and 45**, Lindgren teaches claim 1/26/35 further comprising the step providing the method 3GPP mobile communication system and/or a RAN (C1, L23-32 and C2, L60-65 teach 3rd generation networks. See figure 1 for RNC in the RAN network elements).

As per **claim 38**, Lindgren teaches claim 36 wherein the means identifying request emergency call comprises input means for receiving an emergency indicator from the core network (C2, L35-40 teaches the user dialing/inputting "911" and the network analyzing these numbers and reacting accordingly, eg. routing the phone call).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 43-44 rejected under 35 U.S.C. 103(a) as being unpatentable over Lindgren and further in view of Choi et al. US 6,594,492.

As per **claims 43-44**, Lindgren teaches claim 35 **but is silent on** further including means for receiving an indication of emergency call on relocation call to access network AND/OR further including means transmitting an indication the emergency call on relocation of the call another access network.

The primary examiner notes that Lindgren does discuss the fact that the user may be roaming (C5, L12-22) and determining the "identity of the locally geographic VoIP call server that should receive the forthcoming call control signals from the mobile phone" which suggests Lindgren does understand that the location of the mobile user is important and must be determined. Also, since the call is an emergency call, a handover (eg. relocation of the call to another network) must be supported as well.

Choi teaches handing off an emergency call (C6, L42-53):

"...Reference is now made to FIG. 5 wherein there is shown a message flow and network operation diagram illustrating use of an information request message in accordance with the present invention to request call related information following inter-exchange hand-off of an emergency services call. An emergency services call (e.g., a 911 call) 500 is currently in existence and has proceeded through a completed inter-exchange hand-off. Thus, both a serving exchange 502 and an anchor exchange 504 are

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implicated in handling the call 500 between a mobile station 506 and an emergency services center 508..."

It would have been obvious to one skilled in the art at the time of the invention to modify Lindgren, such that it includes means for receiving an indication of emergency call on relocation call to access network AND/OR further including means transmitting an indication the emergency call on relocation of the call to another access network, to provide means for supporting the emergency call during relocation/handoff.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Lindgren et al. US 2002/0002041
2. Faccin et al. US 6,571,092
3. Poikselkda et al. US 2003/0108175
4. Ronneke US 6,515,989
5. Farris et al. US 5,881,131
6. Clise et al. US 5,797,091
7. Magee US 2002/0056001

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
Primary Examiner

A handwritten signature in black ink, appearing to be 'S. D'Agosta', written in a cursive style.